

SENATE No. 1916

The Commonwealth of Massachusetts

PRESENTED BY:

John A. Hart, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act providing for the denial of driver licenses to truants .

PETITION OF:

NAME:

John A. Hart, Jr.

DISTRICT/ADDRESS:

First Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S02054 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT PROVIDING FOR THE DENIAL OF DRIVER LICENSES TO TRUANTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 90 of the General Laws, as appearing in the 2000 Official Edition,
2 is hereby amended by inserting after section 8L the following section:-

3 Section 8M. The application for a license to operate a motor vehicle or for a junior operator's license or a
4 learner's permit shall be signed by a parent or guardian, or by another responsible adult, if there is no
5 parent or guardian and such signature shall be notarized. The registrar may issue said license or permit if
6 the applicant provides certification from his school committee that said applicant:

7 (1) has received a high school diploma, a high school general educational development (GED)
8 equivalency diploma, a special diploma, or a certificate of high school completion;

9 (2) is enrolled in a public or private school and satisfies relevant attendance and academic
10 requirements;

11 (3) is enrolled in a study course in preparation for the test of general educational
12 development and satisfies relevant attendance requirements;

(4) is enrolled in a home education program that satisfies the requirements of all state laws governing such courses;

(5) is enrolled in a postsecondary vocational program or a postsecondary adult vocational program and satisfies relevant attendance requirements;

(6) is enrolled in a job training program and satisfies relevant attendance requirements;

(7) is enrolled in other educational activities approved by the school committee and satisfies relevant attendance requirements;

(8) is disabled and medically unable to pursue any of the educational programs enumerated in paragraphs (1) through (7) of this subsection; or

(9) has a parent who is totally disabled and said parent needs the minor to perform services which prevent the minor from engaging in the educational activities enumerated in paragraphs (1) to (7), inclusive.

An applicant shall provide written certification of compliance with the above or a waiver of such requirements to the registrar. Such certification shall be obtained from the school committee of his district. If the applicant is enrolled in or graduated from a non-public school, the certification shall be obtained from the headmaster of such school. The school committee or headmaster shall not certify non-compliance until and unless the school administration has completed the following escalating activities to determine the cause and to attempt the remediation of the applicant's failure to satisfy relevant attendance requirements:—

(1) One or more meetings shall be held between a school attendance professional or a school social worker, the applicant's parents, guardian or responsible adult as determined by the school committee or headmaster and the applicant to report and to attempt to solve the attendance problem. However, if the school attendance professional or school social worker has documented

the refusal of the parent or guardian to attend the meeting after a reasonable period of time has elapsed, then this requirement shall be deemed to have been met and the school administration shall proceed to the next escalating activity; and

(2) Educational counseling and evaluation shall be provided to the applicant to attempt to identify the specific condition, if any, that is contributing to the attendance problem and to determine whether curriculum changes would help solve the attendance problem. If any changes are indicated, such changes shall be instituted. If counseling is proven unsuccessful in remedying the attendance problem or if the minor fails to participate, this requirement shall be deemed to have been met. Such curriculum changes may include enrollment of the minor in a dropout prevention program meeting the specific educational and behavioral needs of the applicant.

The burden of proof shall be on the applicant to prove he has complied with the requirements of this section. The school committee or headmaster may comply with the reporting requirements of this section by providing a certified copy of the applicant's academic and attendance records.

Nothing in this section shall be construed to require the school committee or headmaster to compile or create any additional records not otherwise maintained by them.

The school committee or headmaster may charge a fee not to exceed \$20 for providing certification to the registrar that the applicant has complied with the requirements of this section.

The school committee or headmaster may comply with the certification requirements of this section by executing the following form to include the name of the applicant: — is enrolled in a public or private school and satisfies relevant attendance and academic requirements.

Said form shall be signed by a designated official of the school committee or by the headmaster.

The school committee or headmaster shall have the sole discretion to determine compliance with the requirements of this section.

59 A school committee or headmaster shall grant a waiver of the requirements of this section for
60 any applicant under its jurisdiction for whom a personal or family hardship requires that such
61 applicant have a driver's license to provide for his personal or family employment. The school
62 committee or headmaster shall take into consideration the recommendation of school officials,
63 guidance counselors and academic advisors prior to granting a waiver.